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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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LIVING RIVERS *et al.*,

Plaintiffs,

v.

KENT HOFFMAN *et al.*,

Defendants.

**RULE 41(a)(1)(A)(i) NOTICE OF  
VOLUNTARY DISMISSAL**

Case No. 4:19-cv-00074-DN-PK

Judge David Nuffer  
Magistrate Judge Paul Kohler

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Plaintiffs Living Rivers, Southern Utah Wilderness Alliance, and Center for Biological Diversity (collectively, Living Rivers), pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), provide this Court notice of Living Rivers' voluntary dismissal of its complaint in the above-captioned

matter. To date, the Federal defendants have not filed an answer, motion for summary judgment, or similar pleading in this matter.<sup>1</sup>

On November 11, 2019, this Court granted Living Rivers' unopposed motion to stay all deadlines in the above-captioned matter.<sup>2</sup> This Court stayed the filing deadlines due to the similarities between the present litigation and a separate matter before the Court, titled *Friends of Cedar Mesa v. U.S. Dept. of the Interior et al* (Case no. 4:19-cv-00013-DN-PK) (consolidated).<sup>3</sup> In so doing, the Court stated: "The parties shall file either a status report or a proposed scheduling order within 21 days of the issuance of a decision on the pending Motion to Dismiss in [*Friends of Cedar Mesa*]."<sup>4</sup>

On March 2, 2020, this Court issued its decision in *Friends of Cedar Mesa*,<sup>5</sup> granted the Federal defendants' motion to dismiss, and dismissed the plaintiffs' complaints without prejudice.<sup>6</sup> Upon review of that decision, and due to the similarities between the present litigation and *Friends of Cedar Mesa*, Living Rivers anticipates that this Court may likely dismiss the present action as moot. Thus, to conserve the Court's and parties' resources, Living Rivers provides notice of its voluntary dismissal of the aforementioned complaint.

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<sup>1</sup> See [Fed.R.Civ.P. 41\(a\)\(1\)\(A\)\(i\)](#) (voluntary dismissal: "the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment").

<sup>2</sup> See Order Granting Unopposed Motion to Stay Case, filed Nov. 14, 2019 ([ECF No. 16](#)).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* (citations omitted).

<sup>5</sup> See Memorandum Decision and Order Granting Motion to Dismiss, filed March 2, 2020 ([ECF No. 51](#)).

<sup>6</sup> *Id.* at 11.

DATED this 19th day of March, 2020.

/s/ Landon Newell

Landon Newell

Stephen H.M. Bloch

Attorneys for Living Rivers and Southern  
Utah Wilderness Alliance

/s/ Diana Dascalu-Joffe (with permission)

Diana Dascalu-Joffe

Attorney for Center for Biological Diversity